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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

Case No. *2013-274*

12 **SIAN DSEANTE COTTON**

**STATEMENT OF ISSUES**

13 **Applicant for Registered Nurse License**

14 Respondent.  
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17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
21 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about December 27, 2011, the Board of Registered Nursing, Department of  
24 Consumer Affairs received an application for a Registered Nurse License from Sian Dseante  
25 Cotton ("Respondent"). On or about December 15, 2011, Sian Dseante Cotton certified under  
26 penalty of perjury to the truthfulness of all statements, answers, and representations in the  
27 application. The Board denied the application on February 17, 2012.  
28

JURISDICTION

3. Section 480 states, in pertinent part:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

"(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made. . . ."

4. Section 2736 provides that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480.

5. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, . . .

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

1 **REGULATORY PROVISIONS**

2 6. California Code of Regulations, title 16, section 1444 states:

3 "A conviction or act shall be considered to be substantially related to the qualifications,  
4 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
5 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
6 safety, or welfare. . . ."

7  
8 **FIRST CAUSE FOR DENIAL OF APPLICATION**

9 **(Discipline by Another State Agency)**

10 7. Respondent's application is subject to denial under sections 480, subdivision (a)(3),  
11 2736, and 2761, subdivision (a)(4), in conjunction with California Code of Regulations, title 16,  
12 section 1444, in that in or about May 2011, Respondent was disciplined by the California Board  
13 of Vocational Nursing & Psychiatric Technicians, for substantially related unprofessional conduct  
14 warranting denial of licensure.

15 Specifically, on or about May 21, 2011, the Board of Vocational Nursing and Psychiatric  
16 Technicians adopted a proposed decision issued by Judge Howard W. Cohen of the Office of  
17 Administrative Hearings in Los Angeles wherein Respondent's license was revoked, but the  
18 revocation was stayed and Respondent was placed on probation for three (3) years under certain  
19 terms and conditions.

20 The circumstances of this discipline are as follows: In or about April 2008, while working  
21 as a licensed vocational nurse for Allied Professional Nursing Care, Upland, California,  
22 Respondent billed and received compensation for 38 hours not worked. Respondent's 40 hour  
23 weekly assignment was to care for an infant eight (8) hours a day, five (5) days a week, as a home  
24 health care nurse. Allied Professional Nursing Care utilized Clockspot, a telephone clock system,  
25 to document home care workers start and end time at the patient's residences. Each patient's  
26 residence telephone number was entered into the system for caller ID recognition. When the  
27 system answers a telephone call, its caller ID recognition system identifies the patient's record  
28 and documents that the home health care worker is at that patient's home either to begin or end

1 patient care. Respondent circumvented the system by setting up her personal cell telephone  
2 number for her use as her patient's residence telephone number. When Respondent was not at her  
3 patient's residence providing care, she telephoned the Clockspot system to document a start or  
4 end time as if she was at the patient's residence providing care to the patient. Respondent  
5 admitted to telephoning the Clockspot system to document 40 hours of weekly patient care when  
6 she failed to provide the full 40 hours of patient care.

7 **SECOND CAUSE FOR DENIAL OF APPLICATION**

8 **(Dishonest Acts)**

9 8. Respondent's application is subject to denial under section 480, subdivision (a)(2), in  
10 that in or about April 2008, Respondent committed acts involving dishonesty, fraud, or deceit  
11 with the intent to substantially benefit herself and others, and substantially injure others. The  
12 circumstances surrounding these dishonest acts are set forth in paragraph 7 above and are  
13 incorporated herein, as though set forth in full.

14  
15 **THIRD CAUSE FOR DENIAL OF APPLICATION**

16 **(Unprofessional Conduct)**

17 9. Respondent is subject to disciplinary action under section 2761, subdivision (a), in  
18 that in or about April 2008, Respondent committed acts of unprofessional conduct. The  
19 circumstances surrounding these dishonest acts are set forth in paragraph 7 above and are  
20 incorporated herein, as though set forth in full.

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22 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

23 **(Substantially Related Convictions)**

24 10. Respondent's application is subject to denial under sections 480, subdivision (a)(1),  
25 2736, and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16,  
26 section 1444, in that Respondent was convicted of crimes substantially related to the  
27 qualifications, functions or duties of a registered nurse, as follows:

28 a. On or about March 13, 2002, after pleading guilty, Respondent was convicted of one

1 misdemeanor count of violating Penal Codes section 666 [petty theft with prior jail: special  
2 offenses] in the criminal proceeding entitled *The People of the State of California v. Sian Dseante*  
3 *August* (Super. Ct. San Bernardino County, 2002, No. MWV071143). The Court sentenced  
4 Respondent to ten (10) days in jail and placed her on 24 months probation. The circumstances of  
5 the conviction are that on or about January 4, 2002, Respondent was arrested for shoplifting  
6 \$93.93 worth of items from J.C. Penny, Ontario, California.

7 b. On or about October 9, 1996, after pleading nolo contendere, Respondent was  
8 convicted of one misdemeanor count of violating Penal Code section 484(a) [theft of property] in  
9 the criminal proceeding entitled *The People of the State of California v. Sian Dseante Cotton*  
10 (Super. Ct. Los Angeles County, 1996, No. 6GL04218). The Court sentenced Respondent to  
11 one (1) day in jail, placed her on two (2) years probation, ordered her to complete 50 hours of  
12 community service and ordered her to stay away from Mervyns Store. The circumstances of the  
13 conviction are that on or about August 24, 1996, Glendale Police Department officers arrested  
14 Respondent for petty theft from Mervyns Store, Glendale California.

15 c. On or about May 17, 1994, after pleading nolo contendere, Respondent was convicted  
16 of one misdemeanor count of violating Vehicle Code section 12500 subdivision (a), driving  
17 without a valid driver's license in the criminal proceeding entitled *The People of the State of*  
18 *California v. Sian D'seante August* (Municipal Ct. of Pasadena, 1994, No. 94M86166). The  
19 Court ordered Respondent to pay \$276.00 in fines.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Denying the application of Sian Dseante Cotton for a Applicant for Registered Nurse  
5 License;

6 2. Taking such other and further action as deemed necessary and proper.

7 DATED: October 11, 2012

8 Louise R. Bailey  
9 LOUISE R. BAILEY, M.ED., RN  
10 Executive Officer  
11 Board of Registered Nursing  
12 Department of Consumer Affairs  
13 State of California  
14 Complainant

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